

**ORDINANCE NO.**  
**AN ORDINANCE OF THE CITY OF COTATI COUNCIL ADDING CHAPTER 4.15**  
**"FIRE IMPACT FEES" TO THE COTATI MUNICIPAL CODE TO ESTABLISH A**  
**DEVELOPMENT IMPACT FEE ON BEHALF OF THE RANCHO ADOBE FIRE**  
**PROTECTION DISTRICT**

**WHEREAS**, this Ordinance sets forth the requirements for establishing and administering a development impact fee program imposed by the City of Cotati ("City") on behalf of the Rancho Adobe Fire Protection District ("District"); and

**WHEREAS**, the District requests the establishment and administration of a development impact fee because the District lacks statutory authority to impose development impact mitigation fees independently, and the District has prepared all of the supporting documentation to support the findings required to establish the fee, collect the fee and comply with all necessary reporting and accounting procedures for the fee; and

**WHEREAS**, the District has prepared the required documentation to comply with the California Mitigation Fee Act (Government Code §§66000-66025); and

**WHEREAS**, the purpose of the fees adopted by this Ordinance is to pay the costs of Public Facilities, including Fire Facilities, Equipment, and Apparatus, pursuant to the authority of Government Code Section 66001, Article XIII C, Section 1 of the California Constitution, and Article XI, Section 7 of the California Constitution by imposing development fees to fund the costs of certain facilities the need for which is generated by the type and level of the proposed development in accordance with District's nexus study; and

**WHEREAS**, the use to which the fees are to be put is to pay the costs of the Public Facilities, including Fire Facilities, Equipment, and Apparatus as identified in the District's resolution and nexus study attached to this Ordinance; and

**WHEREAS**, there is a reasonable relationship between the fees used and the types of development projects on which the fee is imposed for the reasons set forth in the District's resolution and nexus study attached to this Ordinance; and

**WHEREAS**, there is a reasonable relationship between the need for the Public Facilities, including Fire Facilities, Equipment, and Apparatus, and the development projects on which the fee is imposed for the reasons set forth in the District's resolution and nexus study attached to this Ordinance; and

**WHEREAS**, without the adoption of this Ordinance and the construction of the Public Facilities and purchase of the Fire Equipment and Apparatus, there will be decreased levels of service and reduced safety, inadequate fire protection deteriorating to the point where District's Public Facilities cannot be safely maintained to meet to meet the needs of the new population and new development; and

**WHEREAS**, on June 19, 2024, pursuant to Government Code section 66001(a), the District Board of Directors considered its consultants' nexus study to make the following findings:

1. Identified the purpose of the fee;
2. Identified the use to which the fee is to be put. If the use is financing public facilities, the District has identified those public facilities;
3. Determined how there is a reasonable relationship between the fee's use and the type of development imposed; and
4. Determined how there is a reasonable relationship between the need for the public facility and the fee imposed; and

**WHEREAS**, the County of Sonoma is currently scheduled to consider adoption of the District's mitigation fee program in January 2025 for unincorporated areas of the District.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:**

**SECTION 1: Recitals.**

The foregoing recitals are true and correct and are incorporated into the findings herein.

**SECTION 2: Amendment to the Cotati Municipal Code.**

Chapter 4.15 (Fire Impact Fees) is hereby added as follows:

**4.15.010. Purpose.**

This Ordinance sets forth the requirements for establishing and administering a development impact fee program imposed by the City of Cotati ("City") on behalf of the Rancho Adobe Fire Protection District ("District"). The District requests the establishment and administration of a development impact fee because the District lacks statutory authority to impose development impact mitigation fees independently, and the District has prepared all of the supporting documentation to support the findings required to establish the fee, collect the fee and comply with all necessary reporting and accounting procedures for the fee. The District has prepared the required documentation to comply with the California Mitigation Fee Act (Government Code §§66000-66025).

**4.15.020. Definitions.**

For purposes of this Ordinance, the words shall have the meaning ascribed to them in this section.

- A. "Accessory Dwelling Unit" means a dwelling unit, or granny flat, either a detached or attached dwelling unit, which provides complete, independent living facilities for one or

more persons with provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence.

- B. "Apparatus" means and includes but is not limited to fire engines, brush engines, ambulances, utility vehicles, staff vehicles, water tenders, bulldozers, and rescue vehicles.
- C. "Development" or "development project" means any project for new residential, commercial, or industrial construction in the service boundaries of the District which requires the issuance of a building permit.
- D. "District" means the Rancho Adobe Fire Protection District, which is an independent District organized under the 1987 Fire Protection District Laws (Health and Safety Code §§13800 et seq.)
- E. "Equipment" means and includes but is not limited to ladders, fittings, hoses, radios, cellular telephones, tools, breathing apparatus, hazardous material equipment, and medical and rescue equipment.
- F. "Fire facilities" means public improvements, including buildings and structures, not limited to fire stations, administrative buildings, training buildings, land purchase, and related planning, engineering, and construction costs as identified by the District's in their resolution and nexus study.
- G. "Fire impact fee" or "fee" means a monetary exaction, other than a tax or a special assessment, that the City imposes in connection with the approval of a development project to defray all, or a portion of, the cost of fire facilities, apparatus, and equipment related to the development project on behalf of District.
- H. "Industrial" means manufacturing construction.
- I. "Mobile home" means a development area for residential occupancy in vehicles that require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.
- J. "Multi-family housing" means buildings or structures designed for two or more families for living or sleeping purposes and having kitchen and bath facilities for each family.
- K. "Office" means general, professional, and medical office construction.
- L. "Public facilities" means fire facilities, equipment, and apparatus.
- M. "Retail/Commercial" means retail, commercial, educational, and hotel/motel construction.
- N. "Single-family housing" means detached or attached one-family dwelling unit with an assessor's parcel number for each dwelling unit.

#### 4.15.030. Establishment of fee.

At the request of the District and in compliance with the Mitigation Fee Act (California Government Code §§66000-66025), the City Council hereby establishes a development impact fee on behalf of the District, applied upon the issuance of all building permits for new development within the service boundaries of the District and the incorporated limits of the City.

Fees:	<u>Residential Development</u>	<u>Per Living Area Sq.Ft.</u>
	Single Family Housing	\$2.00
	Multi-Family Housing	\$2.77
	Mobile Home	\$1.57
	Accessory Dwelling Unit	NOTE 1

<u>Nonresidential Development</u>	<u>Per Building Sq.Ft.</u>
Retail / Commercial	\$2.51
Office	\$4.15
Industrial	\$1.75

NOTE 1: The fee for an accessory dwelling unit shall be imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units of less than 750 square feet of living area are exempt.

#### 4.15.040. Administration Agreement.

- A. The City may impose the fees on behalf of the District, and the District may collect the fees pursuant to a written administration agreement (Agreement) between the City and the District.
- B. The Agreement shall clearly define the rights and duties of each party and shall provide for the District to defend, indemnify, and hold the City, its officers, agents, and employees harmless from and against any and all liability, loss, damage, claims, judgments, costs, staff time, losses, expenses and any other costs of defense arising out of, resulting from, or related to the creation, establishment, modification, and imposition of fees on behalf of District or any other obligation of District or City under the agreement impose the fees on behalf of District in compliance with the Mitigation Fee Act.
- C. The District shall ensure that any fee collected on their behalf comply with the Mitigation Fee Act.

#### 4.15.050. Payment of Fee.

- A. Fees established pursuant to this Ordinance shall be paid by the developer or their agent at the time of the building permit issuance.
- B. Fees established pursuant to this Ordinance shall be paid to the District and proof of payment provided to the City, unless otherwise provided for in an Administration Agreement.
- C. Chargeable residential square footage shall include new habitable living space within the perimeter of the structure, not including any carport, walkway, garages, overhangs, patios, enclosed patios, detached accessory structure, or detached storage space. Chargeable commercial or industrial structure square footage shall include new and covered enclosed space within the perimeter of the new structure, not including garage, parking structure, unenclosed walkways, or utility areas. Chargeable square footage shall be calculated in the standard practice of the City.

#### 4.15.060. Automatic Inflationary Adjustments

Fees established pursuant to this Ordinance shall be adjusted automatically without any further action by the District Board of Directors or City Council on January 1 of every year by the net

percentage change during the preceding fiscal year in the Engineering News-Record Construction Cost Index (20-City Average), or its successor publication.

Inflationary adjustments pursuant to this Ordinance shall be performed by the District, unless otherwise provided for in an Administration Agreement.

#### 4.15.070. Refunds of Fees Paid.

If the construction of a development project has not commenced before the expiration of the building permit that would have enabled the applicant to proceed with construction, then a fee payer shall be entitled to a refund, with interest, of the fees paid as a condition imposed pursuant to this Ordinance for the issuance of such permit. The fee payer must apply for such a refund within thirty calendar days of the expiration of the permit.

In the event any fee collected remains unexpended in the fund established pursuant to this Ordinance, the following findings shall be made for the fifth fiscal year following the first deposit into such account, and every five years thereafter, with respect to that portion of the fee remaining unexpended, whether committed or uncommitted; (1) identify the purpose to which the fee is to be put; (2) demonstrate a reasonable relationship between the fee and the purpose for which it was charged; (3) identify all sources and amounts of funding anticipated to complete financing of public facilities and (4) designate the approximate dates on which such funding is expected to be deposited into the fund. The unexpended portion of the fees and any interest accrued thereon, for which need cannot be demonstrated pursuant to this section, shall be refunded to the then-current record owner or owners of lots or units of the development project or projects on a prorated basis. The provisions of Government Code section 66001 may be amended from time to time and shall apply fully to the collection, accounting, and refund of any fees imposed pursuant to this Ordinance.

Refunds and associated reporting requirements pursuant to this Ordinance shall be performed by the District, unless otherwise provided for in an Administration Agreement.

#### 4.15.080 Fee Credits

A fee credit shall be given for demolished existing square footage as part of a new development project.

Fee credits pursuant to this Ordinance shall be performed by the District, unless otherwise provided for in an Administration Agreement.

#### 4.15.100. In-Lieu Fees

In a developer dedicates land, constructs Fire Facilities, or provides Fire Equipment or Apparatus for the District, the fire impact fees imposed on that development project shall be adjusted to reflect a credit for the cost of the dedicated land, Fire Facilities, Equipment, and Apparatus provided.

Evaluation and determination of in-lieu credits pursuant to this Ordinance shall be performed by the District, unless otherwise provided for in an Administration Agreement.

#### 4.15.110. Exemptions.

The following shall be exempted from payment of the fee:

- A. A structure owned by a governmental agency.
- B. An Accessory Dwelling Unit that is less than 750 square feet.

#### 4.15.120. Segregation of Fee.

- A. A fee collected pursuant to this Ordinance, together with any interest, shall be maintained and accounted for in a separate fund to avoid commingling such funds with other revenues.
- B. Establishment and maintenance of the aforementioned fund shall be performed by the District, unless otherwise provided for in an Administration Agreement.
- C. In accordance with an Administrative Agreement, the City may withhold a reasonable percent of the total fee owed for each development project to recover the administrative costs associated with the implementation of this Ordinance.

#### 4.15.130. Annual Report.

For all fees established pursuant to this Ordinance shall, within one hundred eighty (180) days after the last day of each fiscal year, be made available to the public as required by Government Code section 66006(b).

### **SECTION 3. Severability.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

### **SECTION 4. Effective Date.**

This ordinance shall take effect upon City Council approval of an Administration Agreement or March 14, 2025, whichever is later and is at least sixty (60) days after its adoption, pursuant to the California Government Code.

### **SECTION 5: Publication.**

The City Clerk shall cause this ordinance to be published and/or posted as required in Section 36933 of the California Government Code.

**IT IS HEREBY CERTIFIED** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Cotati held on December 10, 2024, by the following vote, to wit:

**RESULT:**  
**MOVER:**  
**SECONDER:**  
**AYES:**

**IT IS HEREBY CERTIFIED** that the foregoing ordinance was duly adopted at a regular meeting of the City Council of the City of Cotati held on January 14, 2024, by the following vote, to wit:

**RESULT:**  
**MOVER:**  
**SECONDER:**  
**AYES:**

Approved: \_\_\_\_\_

Mayor

Attest: \_\_\_\_\_

Kevin Patterson, Deputy City Clerk

Approved as to form:

\_\_\_\_\_

City Attorney

This document is a true and correct copy of Ordinance Number ### and has been published or posted pursuant to law. *California Government Code § 40806*

\_\_\_\_\_

Kevin Patterson, Deputy City Clerk